



Terry Tamminen
Secretary for
Environmental
Protection

State Water Resources Control Board

Division of Water Quality

1001 I Street • Sacramento, California 95814 • (916) 341-5566
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
<http://www.swrcb.ca.gov>



Arnold Schwarzenegger
Governor

NOTICE OF PUBLIC HEARING **CHANGE OF HEARING DATE AND EXTENSION OF COMMENT PERIOD**

DRAFT WATER QUALITY CONTROL POLICY FOR ADDRESSING IMPAIRED WATERS: REGULATORY STRUCTURE AND OPTIONS

Wednesday, February 2, 2005 –10:00 a.m.

Sierra Hearing Room – Second Floor
Joe Serna, Jr. Cal/EPA Headquarters Building
1001 "T" Street, Sacramento, CA

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (SWRCB) has extended the comment period and has **changed the date to hold a public hearing to seek comments on the proposed Water Quality Control Policy for Addressing Impaired Waters: Regulatory Structure and Options (Policy) from January 4, 2004 to February 2, 2005.** As required by Water Code section 13191.3(a), the Policy contains guidelines to be used by SWRCB and the Regional Water Quality Control Boards (RWQCB) in developing TMDLs in accordance with section 303(d) of the federal CWA (33 U.S.C. section 1313[d]). SWRCB is requesting comments on the draft Policy. SWRCB will not take final action at the hearing. The draft Policy and draft Guidance will be considered for approval at a future meeting.

BACKGROUND

Section 303(d) of the Clean Water Act (CWA) requires states to identify waters that do not meet applicable water quality standards with certain technology-based controls alone. States are required to develop Total Maximum Daily Loads (TMDLs) for waters on the 303(d) list. A TMDL is the maximum load of a pollutant that can be present in a water body without exceeding water quality standards. States are required to submit the section 303(d) list and TMDL priorities to the U.S. Environmental Protection Agency for approval in even numbered years.

In 2002, the California Water Code was amended to include section 13191.3(a) requiring the development of guidelines to be used by SWRCB and the RWQCBs in listing, delisting, as well as developing, and implementing TMDLs pursuant to section 303(d) of the federal CWA (33 U.S.C. section 1313[d]). The draft Policy contains the regulatory structure and options for developing and implementing TMDLs in California.

This policy and the related guidance document are not subject to the California Environmental Quality Act (CEQA) because they do not constitute a "project". Section 15378 of title 14 of the California Code of Regulations specifies that the term "project" refer to an action, which has the

California Environmental Protection Agency

potential to result in a direct or reasonably foreseeable indirect physical change in the environment. "Project" does not include continuing administrative or maintenance activities, such as "general policy and procedure making (except as they are applied to specific instances covered [elsewhere in the definition of a "project"])." Furthermore, section 15308 of title 14 CCR categorically exempts from CEQA actions taken by a regulatory agency to assure the maintenance, restoration, enhancement, or protection of the environment "where the regulatory process involves procedures for protection of the environment." The adoption of this policy and guidance has no potential to result in a foreseeable direct or indirect change on the environment. They merely document and formalize existing procedures to implement TMDLs, based upon existing law, regulations, and practice. While the application of the policy or guidance in any specific instance may well constitute a "project", formally documenting the procedures to be employed does not."

SUMMARY OF THE DRAFT POLICY

SWRCB is developing a statewide Guidance for the development of TMDLs in California. The goal of the Policy is to establish a standardized approach for developing and adopting TMDLs in order to restore the waters of California. The proposed Policy outlines regulatory options available to the SWRCB and RWQCBs for adopting and implementing TMDLs. The Guidance is intended to serve as a handbook to TMDL practitioners, as well as provide transparency on the process to the public.

AVAILABILITY OF THE DRAFT GUIDANCE AND DRAFT POLICY

Copies of the draft Guidance and draft Policy may be obtained on the SWRCB web site at <http://www.waterboards.ca.gov/>. You may also receive a CD-R or paper copy by writing or calling Gena Estep, Division of Water Quality, State Water Resources Control Board, P.O. Box 100, Sacramento, CA 95812-0100; (916) 341-5566; FAX (916) 341-5550; or by e-mail at esteg@dwq.swrcb.ca.gov.

SUBMISSION OF COMMENTS

The SWRCB will accept written comments on the draft Policy. In order for SWRCB to adequately consider written comments, all interested parties are requested to submit their comments no later than 5:00 p.m., January 24, 2005. Early submittal of comments is encouraged. Comments will be accepted via mail or facsimile to:

Debbie Irvin, Clerk to the Board
Executive Office
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100
dirvin@waterboards.ca.gov
Fax (916) 341-5620

At the hearing, participants are encouraged to briefly summarize their written comments. Time limitations on oral presentations may be imposed. Persons with similar views are encouraged to make joint presentations. The SWRCB will consider all comments before taking final action on the draft Policy.

COURT REPORTER

A court reporter will record all the oral comments made during the public hearing. Persons who desire a copy of the hearing transcript must make their own arrangements with the court reporter.

PARKING AND ACCESSIBILITY

There is a parking garage across the street from the Joe Serna, Jr. Cal/EPA Building with entrances on 10th and 11th Streets between "I" and "J" Streets, and metered parking spaces are in the vicinity of the building. Enclosed is a map, or see our website at <http://www.calepa.ca.gov/EPABldg/location.htm>. The facilities are accessible to persons with disabilities. Individuals who require special accommodations are requested to contact Adrian Perez at (916) 341-5880 prior to the hearing date. Persons with hearing or speech impairments can contact us by using the California Relay Service Telecommunications Device for the Deaf (TDD). TDD is reachable only from telephones equipped with a TDD Device. HEARING IMPAIRED RELAY SERVICE: TDD to voice 1-800-735-2929, voice to TDD 1-800-735-2922.

All visitors are required to sign in and receive a badge prior to attending the hearing. The Visitor and Environmental Services Center is located just inside and to the left of the Cal/EPA Building's public entrance. Valid picture identification may be required, so please allow up to 15 minutes.


Debbie Irvin
Clerk to the Board

December 23, 2004